

RESOLUTION NO. 74995

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ZERO WASTE ENERGY DEVELOPMENT COMPANY, INC. FOR THE DEVELOPMENT OF LEASE TERMS FOR A BIOGAS FACILITY ON WATER POLLUTION CONTROL PLANT PROPERTY

WHEREAS, Zero Waste Energy Development Company, Inc. (“Zero Waste”) has proposed to develop a 150,000 ton per year dry fermentation anaerobic digestion facility to process and recover energy from the organic portion of municipal solid waste generated by the City and other municipalities on approximately 40 acres of buffer lands of the San José/Santa Clara Water Pollution Control Plant (“WPCP”) on the north side of Los Esteros Road; and

WHEREAS, this proposed action would further the Green Vision of the City of San José (“City”), aligns with the goals of the current WPCP Land Use Plan, and could facilitate substantial infrastructure investment in San José; and

WHEREAS, the City desires to negotiate and execute a Memorandum of Understanding with Zero Waste in accordance with the terms as specified in the memorandum to Council dated May 26, 2009, of the Chief Development Officer and the Director of Environmental Services;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

The City Manager is hereby authorized to negotiate and execute Memorandum of Understanding with Zero Waste Energy Development Company, Inc., regarding its

intent to develop lease terms for use of approximately 40 acres of a closed landfill site located on San José/Santa Clara Water Pollution Control Plant buffer lands, for a biogas facility and the process for bringing the lease forward for Council and other required approvals and any amendments to the master agreement with the tributary agencies, if required.

ADOPTED this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk